

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 3 - 1

Yeas: Barnhart, Harker, Holvey, Smith Warner, Hoyle

Nays: Hicks, Jenson, Kennemer

Exc.: Berger

Prepared By: Erin Seiler, Administrator

Meeting Dates: 2/26, 3/5

WHAT THE MEASURE DOES: Expands list of prior violations that prohibit individual from becoming paid circulator. Amends time period paid circulator's criminal records check is valid. Permits name of candidate nominated for more than one district office to appear on ballot more than once. Permits elector who submitted ballot in unsigned return identification envelope to remain on active voter registration rolls. Resolves discrepancy regarding day on which challenged ballot records may be released to public. Resolves certification date discrepancy for write-in ballots. Limits prohibition on electioneering to business hours. Permits person to show person's own marked ballot to another person. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Purpose of internet voting work group
- Ability to convene work group without legislation
- Amendment
- Constitutionality of signature-gathering registration and prohibitions

EFFECT OF COMMITTEE AMENDMENT: Replaces original measure.

BACKGROUND: Senate Bill 1515-A addresses multiple technical issues within elections law, including amending statutes related to measures adopted in 2013 to ensure proper implementation.

Current law requires a criminal background check on each paid signature-gatherer for each period beginning the day after a biennial general election and ending on the day of the next biennial general election. SB 1515-A aligns the time a circulator's background check is valid to match the period of time their registration is valid, which is between initiative filing deadlines rather than the period between general elections.

Currently, a person may not apply for registration as a paid signature-gatherer if, during the five-year period prior to the date of application, the person has been convicted for a criminal offense involving fraud, forgery or identification theft in any state or has had a civil penalty imposed for particular elections violations. SB 1515-A adds the following violations to the existing list: knowingly making false statements regarding the contents, meaning or effect of the petition; circulating or filing a petition knowing it contains a false signature; attempting to obtain the signature of a person to an initiative, referendum or recall petition knowing that the person signing the petition is not qualified to sign it; use of threats and intimidation for purpose of extorting money; circulation or printing of an imitation of the ballot or sample without the statutorily prescribed statement and superimposed word; knowingly make a false statement, oath or affidavit when a statement, oath or affidavit is required under the election laws; and violation of the constitutional prohibition against paying-per-signature.

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This summary has not been adopted or officially endorsed by action of the committee.

In 2013, the Legislature passed House Bill 3537 to permit a person to run simultaneously as a candidate for more than one district office; however, ORS 254.135 was not amended for consistency, to permit the person's name to appear on the ballot in more than one place. SB 1515-A makes this conforming change.

House Bill 3344 was passed by the Legislature in 2013, to increase the number of days after an election for a voter to provide sufficient evidence to disprove a ballot challenge, and change the voter's registration to "inactive" if evidence was not provided. The return of a ballot, even unsigned, indicates an intent to vote, and should not be automatically changed to "inactive" status. SB 1515-A removes this requirement. In addition, on the 8th calendar day after the election, the county clerk may, upon request, disclose an elector's name, residential address, and reason for challenge. House Bill 3344 also contained a discrepancy between when records must be released as public (following the 7th, on the 8th day or after the 8th day after an election) which SB 1515-A clarifies: records will be subject to disclosure following the 7th calendar day after the election.

When the district election date was changed from March to May, a conflict was created in the timeline for notifying an individual nominated or elected by write-in votes (to sign and file a form accepting the nomination or office) and when the district elections authority determined, from the abstracts of votes, the results of the election. SB 1515-A resolves this conflict.

Oregon law prohibits showing a marked ballot to another person (ORS 260.695). Following the development of social media sharing such as Facebook, Instagram, and Twitter, many, particularly younger voters, share photos of their marked ballot, generally to show that they voted, not realizing that this is a technical violation of law. SB 1515-A removes this prohibition.

Currently, a person may not do any electioneering within any building designated for the deposit of ballots by any state or local government elections office, or within 100 feet from any entrance to the building during the period beginning on the date that ballots are mailed to electors and ending on election day. As currently written, this prohibition applies 24-hours a day, even when the building or designated ballot deposit location is not open. SB 1515-A narrows the timeframe of the prohibition, to the business hours of the building or, if the building is a county elections office, during the hours it is open to the public.